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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,647	01/03/2007	Richard Schneider	3181-052453	2632

28289 7590 09/25/2008  
THE WEBB LAW FIRM, P.C.  
700 KOPPERS BUILDING  
436 SEVENTH AVENUE  
PITTSBURGH, PA 15219

EXAMINER
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SMITH, JASON C

ART UNIT	PAPER NUMBER
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3617

MAIL DATE	DELIVERY MODE
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09/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,647	<b>Applicant(s)</b> SCHNEIDER ET AL.	
	<b>Examiner</b> Jason C. Smith	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/24/2007 and 10/01/2007</u> .                               | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statements (IDS) submitted on 08/24/2007 and 10/01/2007 are being considered by the examiner.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 22-33 and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teichmann (6,247,413) in view of Kammerhofer et al (5,775,231).** Teichmann discloses a running gear (1) for a railway vehicle, comprising at least one wheelset, a running gear frame, which is supported on said wheelset by means of a primary suspension (15-18), a secondary suspension for supporting a coach body (col. 6, line 7) on the running gear frame, a tilting device for controlled tilting of the coach body about a longitudinal axis of the railway vehicle and a transversal suspension (abstract), wherein said transversal suspension or a transversal damping are arranged above the secondary suspension (28, 29) and below the bottom of the coach body, and wherein an intermediate support (30) is arranged above the secondary suspension, which supports a control member (76) for adjusting the tilt of the coach body with respect

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to the running gear frame; [claims 23-26, 28, 31, 32, 38, 39, and 41] See figures 1-4; [claim 27] wherein the suspension units are constructed as air springs (28, 29); [claim 29] wherein the transversal damping is formed by a transversal damper (col. 6, lines 26-50); [claim 30] wherein the transversal suspension is formed by at least one active or semi-active transversal suspension device (col. 6, lines 26-50); [claim 33] wherein at least one roll stabiliser is attached to the running gear frame (col. 6, lines 22-24); [claim 37] wherein the transversal suspension comprises at least one progressively acting cross spring, which limits a lateral displacement between the running gear frame and the coach body or the intermediate support (col. 6, lines 26-50); [claim 40] wherein the roller tracks are formed on a coach body crossbar (31); [claim 42] wherein the coach body crossbar is connected to the coach body by means of connecting elements (52, Fig. 4).

4. Teichmann discloses the running gear set forth above, but does not disclose a recess and holder. However, Kammerhofer et al. does disclose a recess (17) and a holder (12). For claims 22-26, see figures 1 and 2. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a recess and a holder disclosed in Teichmann in view of the teaching of Kammerhofer et al. The motivation for doing so would have been to limit the lateral relative path between running gear frame and intermediate crossbar.

5. **Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teichmann (6,247,413) in view of Kammerhofer et al (5,775,231) in view of Cummins (6,622,637).** Teichmann discloses the running gear set forth above, but does

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not disclose a rollers and a roller tracks. However, Cummins does disclose a rollers (150) and roller tracks (150). For claims 34-36, see figures 3 and 4. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide rollers and roller tracks disclosed in Teichmann in view of the teaching of Cummins. The motivation for doing so would have been so that when a vehicle enters a turn the body can be angled into the radius of the turn, so the carriage remains parallel to the track.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C. Smith whose telephone number is (571) 270-5225. The examiner can normally be reached on M- F, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Joseph Morano/  
Supervisory Patent Examiner, Art Unit 3617

/Jason C Smith/  
Examiner, Art Unit 3617